

**Rules and Bye-laws
of the Governing Body**

August 2011



THE NINE PRINCIPLES OF PUBLIC LIFE

| | |
|-----------------------|---|
| Selflessness | Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends. |
| Integrity | Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. |
| Objectivity | In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit. |
| Accountability | Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. |
| Openness | Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. |
| Honesty | Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. |
| Leadership | Holders of public office should promote and support these principles by leadership and example. |
| Public Service | Holders of public office have a duty to act in the interests of the public body of which they are a governor and to act in accordance with the core tasks of the body. |
| Respect | Holders of public office must respect fellow members of their public body and employees of the body and the role they play, treating them with courtesy at all times. |

These Nine Principles of Public Life should be considered alongside the Governors' Code of Conduct on page 14.

August 2011

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REVIEW OF THE RULES & BYE-LAWS

The Rules & Bye-laws of the Governing Body of the College of Richard Collyer shall be held by the Clerk to the Governing Body, who will provide each Governor with a copy for inclusion in the Governor's Handbook or electronically.

The Governing Body shall normally review its Rules & Bye-laws at each Summer Term's meeting and the Clerk shall regularly include an agenda item to that effect.

Where a proposed change to the Rules & Bye-laws is put to the Clerk in advance of any meeting, and in time to go out with the agenda, it shall be considered at that meeting.

A proposed change to the Rules & Bye-laws tabled at a meeting of the full Governing Body may be considered at the discretion of the Chairman but can only be approved at the following meeting.

A copy of the Rules & Bye-laws is available from the Clerk to the Governing Body during normal office hours at the College to any person wishing to inspect them.

DECLARATION OF ELIGIBILITY

Instrument 7 of the Instrument of Government sets out the circumstances in which a person is ineligible to be a member of the Governing Body. The Clerk is required to bring that to the attention of each member of the Governing Body before the Spring Term meeting, and each Governor is required to sign a Declaration of Eligibility and return it to the Clerk at or before that meeting.

INSTRUMENT AND ARTICLES OF GOVERNMENT

The Instrument of Government and the Articles of Government, which were both approved by the Secretary of State for Innovation, Universities and Skills to take effect on 1st May 2008, and which form the first section of each Governor's Handbook, constitute the legal framework on which the operations of the College rest.

They may only be modified in accordance with Section 22 of the Further and Higher Education Act 1992, which indicates that the Governing Body has the authority to modify either the Instrument of Government or the Articles of Government or both, subject to the approval of the Secretary of State.

The **Instrument** deals with the following matters:

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The **Articles** deal with the following matters:

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GENERAL PRINCIPLES OF GOVERNANCE

The Governing Body delegates to the Finance and General Purposes Committee everything for which it is responsible other than:

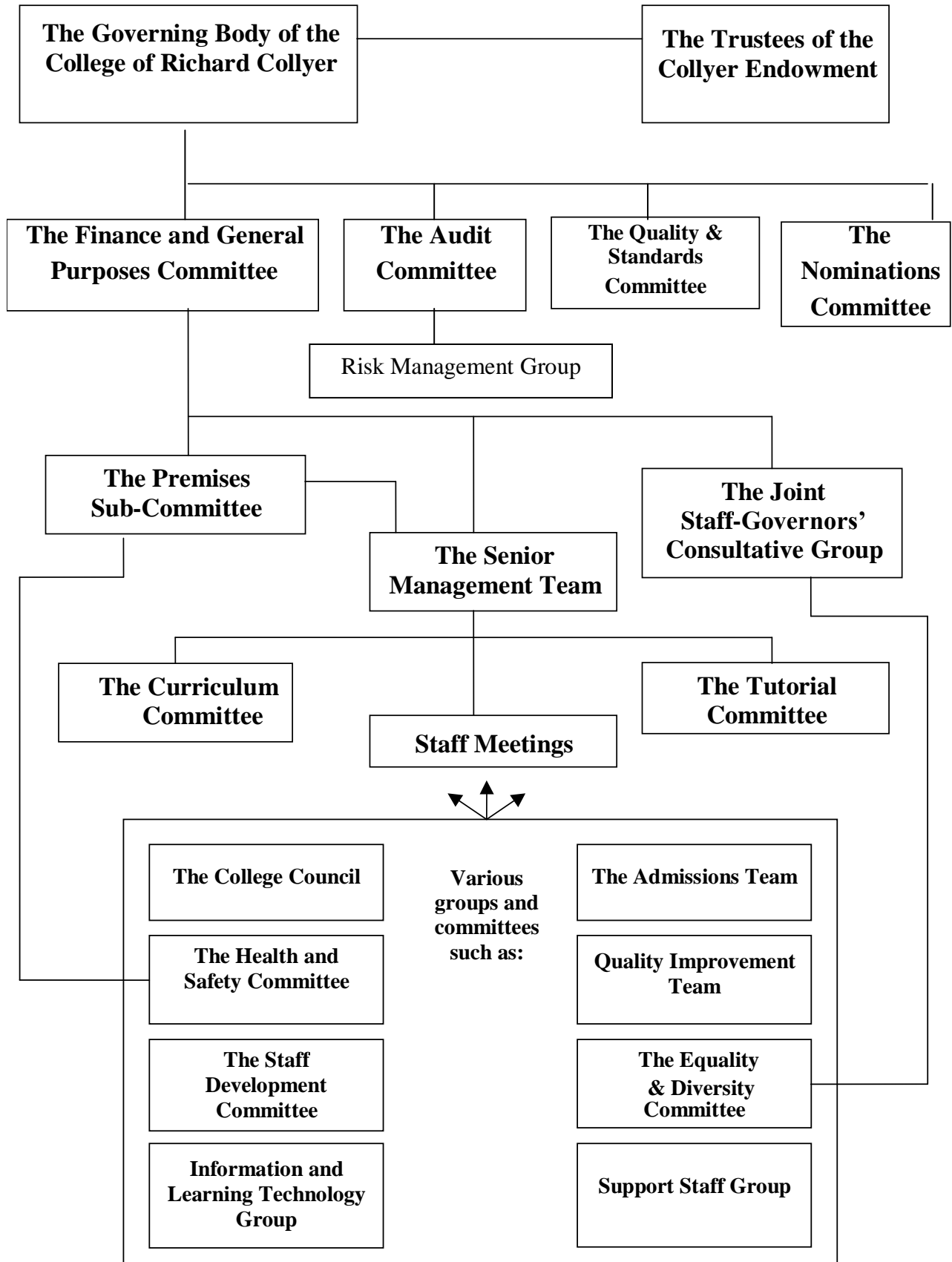
- i) matters it may not delegate, which are set out in Articles 9 & 10 of the Articles of Government
- ii) matters which it delegates to another committee
- iii) matters for which it chooses to retain direct responsibility

The Finance and General Purposes Committee monitors expenditure and sets up sub-committees as required. The sub-committees, which may include both governors and non-governors, report back to the Finance and General Purposes Committee, which in its turn reports through the Chairman to the full Governing Body.

The Principal has overall responsibility for the management of the College. Together with the Senior Management Team and the wider management groups, the Principal is expected to run the College in accordance with the mission statement, policies and annual budget approved by the Governing Body. For any changes in major budget allocations the Principal is required to seek approval from the Finance and General Purposes Committee, or in an emergency from the Chairman, or, in the absence of the Chairman, from the Vice-Chairman.

Members of the College staff, led by the Principal, deal with the development of the curriculum, the deployment of teaching and support staff, the care of the students, and maintenance of the premises without involving the governors in detailed decisions. The governors will, however, want to be kept informed about what is happening in all these areas and will intervene if and when they judge it to be necessary. There should seldom be a need for direct corporate action by the Governing Body, but indirect action by delegation is essential. By this delegation the Governing Body uses its employees most effectively, supervising their work, and in the last resort, intervening to ensure the College is led in a direction and in a manner which it approves.

The Collyer's Committee Structure



THE GOVERNING BODY

| | Date of appointment/ reappointment | End of term of office on 31st March | Number of consecutive terms of office |
|--|--|---|---|
|--|--|---|---|

The members of the Governing Body are:

Ten foundation governors:

The Vicar of Horsham, ex officio – The Revd G Bridgewater

Six governors appointed by the Court of Assistants of the Mercers' Company:

| | | | |
|-----------------|-----------|-------|---|
| Ms S Bridges | 1/11/2008 | 2012* | 1 |
| Dr D Cassell | 1/4/2010 | 2014 | 1 |
| Mr C P Clementi | 1/4/2009 | 2013 | 3 |
| Mr D H Hodson | 1/4/2011 | 2015 | 1 |
| Mr A R C Lane | 1/4/2008 | 2012 | 4 |
| Mr C J P Watney | 1/4/2011 | 2013 | 3 |

Three governors appointed by the Trustees of the Collyer Endowment:

| | | | | |
|--------------|---------------|----------|------|---|
| Mr G R Baird | Chairman | 1/4/2011 | 2015 | 6 |
| Mr C J Eley | Vice-Chairman | 1/7/2011 | 2015 | 3 |
| Ms C Watson | | 1/4/2008 | 2012 | 1 |

The Principal, ex officio – Dr J Johnston

One staff governor:

| | | | |
|----------------|-----------|------------|---|
| Mr R L Raymond | 30/8/2011 | 29/08/2015 | 1 |
|----------------|-----------|------------|---|

One parent governor:

| | | | |
|-------------|-----------|------------|---|
| Mrs S Wilks | 12/7/2011 | 11/07/2013 | 1 |
|-------------|-----------|------------|---|

Two student governors:

| | | | |
|-------------------|-----------|-----------|---|
| Aqsa Rafiq | 30/6/2011 | 28/6/2012 | 1 |
| Jennifer Simmonds | 30/6/2011 | 28/6/2012 | 1 |

Three co-opted governors, appointed by resolution of the foundation governors:

| | | | |
|------------------------|-----------|------|---|
| Professor Callum Firth | 12/7/2011 | 2015 | 1 |
| Mrs V Chaffin-Laird | 1/4/2008 | 2012 | 3 |
| Mr M Hodgson | 1/4/2010 | 2014 | 3 |

Co-opted member of the Audit Committee:

| | | | |
|-------------------|-------------------|-------------------|----------|
| <i>Mr R Yorke</i> | <i>01/01/2011</i> | <i>31/12/2014</i> | <i>1</i> |
|-------------------|-------------------|-------------------|----------|

Clerk to the Governing Body

Ms N C Whitehead

**31st October 2012*

The Chairman and Vice-Chairman are elected annually at the Spring Term meeting and the appointment will take effect from 1st April.

A governor may not exceed four years in office without re-appointment (other than the Vicar of Horsham, the Principal, parent governor and student governor). A parent governor is appointed for two years and the student governors for one year.

If a governor is to be proposed for re-appointment at the end of the term of office, past performance will be reviewed by the appropriate body before the re-appointment takes place.

The Governing Body normally meets once in each term: towards the end of November or early December, early in March and early in July.

THE TRUSTEES OF THE COLLYER ENDOWMENT

There are nine trustees.

Six are appointed by the Court of Assistants of the Mercers' Company:

| | |
|-----------------|----------|
| Mr R Pope | Chairman |
| Mr C P Clementi | |
| Mr A E Hodson | |
| Mr A R C Lane | |
| Mr C J P Watney | |
| Vacancy | |

Three are appointed by the Governors of the College of Richard Collyer in Horsham:

| | | End of term of office | Term |
|--------------|---------------|--------------------------|---------|
| Mr G R Baird | Vice-Chairman | 31/12/2011 | 4 years |
| Mr C J Eley | | 25/03/2015 | 4 years |
| Mr M Hodgson | | 25/03/2015 | 4 years |

The Trustees normally meet twice a year, in May and in November. A copy of the Scheme of Management is available in the Governor's Handbook.

JOB DESCRIPTION

Subject to the current agreed terms and conditions
of employment as set out in the College staff manual

Job Title: *Clerk to the Governing Body*

Job Purpose:

- 1.To advise the Governing Body with regard to the operation of its powers**
- 2.To advise the Governing Body with regard to procedural matters**
- 3.To advise the Governing Body with regard to the conduct of its business**
- 4.To advise the Governing Body with regard to matters of governance practice**
- 5.To ensure that the Governing Body conducts its business properly, effectively and efficiently**

Accountable to: *Governing Body*

Responsible for: PA to the Clerk

Key Responsibilities and Key Tasks:

- 1 To manage the conduct of business of the Governing Body and its committees**
 - a To administer and hold registers of attendance and interests and declarations of eligibility, notifying any whose membership lapses as a result of non-attendance or who become disqualified for some other reason;
 - b To maintain a Code of Conduct for the Governing Body;
 - c In consultation with the Chairman and Principal, to plan the forward programme of meetings of the Governing Body and its Committees; identifying the main items to be taken at those meetings and liaising with those member of the Senior Staff or Governing Body members preparing papers for forthcoming meetings;
 - d To facilitate communication on Governing Body matters between the Chairman, Principal and Senior Staff in the College;
 - e To arrange and summon Governing Body and Committee meetings;
 - f To ensure that adequate briefing papers and other more detailed information are sent out in sufficient time for governors to consider them in advance of meetings;
 - g Either in person, or in exceptional cases by delegation to a named individual attending all meetings of the Governing Body and its Committees, to give advice on procedure at such meetings;
 - h To produce for the Chairman of any meeting draft minutes recording decisions and other matters of importance, consult with the Chairman over the wording of the minutes, produce a final version, send it out in advance of the next meeting, and finally arrange for the minutes to be approved and then signed by the Chairman at the next meeting;
 - i To act as correspondent for the Governing Body, including responsibility for the Governor's Handbook;
 - j To give administrative support to the Chairman of the Governing Body, the Chairmen of Committees, and individual Governing Body members as appropriate;
 - k To arrange for a report at each Governing Body meeting from a representative of each committee of the Governing Body - whether orally or in writing;

- l To prepare reports on governance and other issues falling within the terms of reference of the Clerk;
- m To make arrangements for the safe custody of the Minutes of the Governing Body and its Committees, and maintain a record of outstanding business;
- n To liaise with the Clerk to the Trustees and the Mercers' Company;
- o To undertake such other duties as may reasonably be required by the Governing Body.

2 To advise the Governing Body on statutory and constitutional issues

- a To advise the Governing Body and its Committees on the proper exercise of their powers and on the application of the Education Acts and other laws affecting their work;
- b To draw up for approval, and keep under review, standing orders for the conduct of the business of the Governing Body and its Committees (including the Rules & Bye-laws, Instruments & Articles of Government, and College policies);
- c To ensuring compliance with the law and the Governing Body's decision as regards access to Governing Body meetings and papers;
- d To take appropriate action if and when the Governing Body, one of its Committees or its Chairman appears to be at risk of acting outside their powers or to be proposing actions that may be unlawful;
- e To keep up-to-date on governance-related issues, inform governors if appropriate and suggest appropriate action;
- f To ensure that there is adequate indemnity insurance for members of the Governing Body and for members of its committees who are not governors.

3 To ensure that governors are appointed and replaced in accordance with the Instrument & Articles of Government

- a To undertake experience and needs analyses;
- b To advise the appropriate appointing body of vacancies;
- c To advise the Governing Body on strategies for recruiting new members;
- d To follow the procedures for appointing elected members;
- e To keep and maintain governor *curriculum vitae* and other records.

4 To co-ordinate governor training and development

- a To manage the self-assessment of governance process;
- b To undertake governor training and development needs analyses;
- c To advise on the efficiency and effectiveness of the Governing Body and its Committees;
- d In conjunction with the Principal and outside agencies, to facilitate training programmes for Governing Body members and arrange the induction of new members.

Mr S R Gilham shall deputise for the Clerk if and when necessary.

CLERK'S RESPONSIBILITIES WHERE GOVERNORS ACT BEYOND THEIR POWERS

There may be occasions when the Clerk feels her advice is being disregarded or overruled, and the Governing Body is acting inappropriately or beyond its powers. The Clerk should, in the first instance, make every effort to resolve the matter through the avenues available to her within the College. The Clerk may take some or all of the following steps:

- a. Ensure that the reasons for concern have been put in writing and sent by the Clerk to the Chairman of the Governing Body and the Principal
- b. Ensure the Chairman of the Audit Committee has been informed of those issues relevant to the Committee's terms of reference
- c. Report the matter to the next meeting of the relevant committee or full Governing Body and ensure the matter is placed in the publicly available minutes
- d. Consult the College's external auditors.

The Clerk is authorised to obtain initial legal advice on such issues without the agreement of the College management or the Governing Body. In such a case the Governing Body may decide to obtain further legal advice.

If no action results from the preceding sequence of actions and if the grounds for concern still present a threat to the proper governance of the College in her judgement, the Clerk is authorised to refer the matter to the LSC, and inform the Chairman and the Principal that this has been done.

The Governing Body accepts the advice in the Financial Memorandum that action within the above specified procedures should not provide grounds for disciplinary action against or dismissal of the Clerk.

DOCUMENTATION

Each governor should have a copy of and be acquainted with:

- i) The College's Instrument of Government
- ii) The College's Articles of Government
- iii) The College's Financial Memorandum
- iv) The Scheme of Management of the Collyer Endowment
- vi) The FEFC The College Governor
- vii) The LSC Governor Training Material
- viii) The latest version of the College's Strategic Plan
- ix) The latest version of the College's Accommodation Strategy
- x) The Report and Financial Statements for the last financial year
- xi) The latest copy of the Principal's Report to the Governing Body
- xii) Any other document of sufficient importance to have been sent out to all members of the Governing Body

From time to time documents may be published which need to be seen by each member of the Governing Body. The Principal is expected to decide when this is so and arrange to obtain the necessary documents and the Clerk is required to distribute them to the members of the Governing Body.

Minutes of each of the following bodies shall be available on the College website www.collyers.ac.uk (Governance section):

- (1) The Governing Body
- (2) The Finance and General Purposes Committee
- (3) The Audit Committee
- (4) The Quality and Standards Committee
- (5) The Nominations Committee
- (6) The Premises Sub-committee
- (7) The Joint Staff-Governors' Consultative Group

COLLECTIVE AND INDIVIDUAL RESPONSIBILITY

Collective Responsibility

Governors need to be aware of the principle of collective responsibility and bear it in mind in any public comments made about the College's business.

In response to any enquiries from the communications media, they should bear in mind that it is always correct to refer representatives from the communication media to the Chairman or Principal, as appropriate.

If any member of the Governing Body has occasion to communicate with the communications media about matters relating to the College then they should inform both the Chairman and Principal of what has been said.

Declaration of Interests

A Register of Governors' Interests for each member of the Governing Body is kept by the Clerk, who is required to draw it to the attention of members each year at or before the Spring Term meeting. They are asked to complete a Declaration of Interests form in whatever manner seems appropriate to them.

While members of the Governing Body are entitled to complete the register in whatever manner they judge to be appropriate, bearing in mind the requirements on the one hand of individual privacy and on the other of legitimate public interest, the overriding principle has to be that if any question is raised where a member of the Governing Body knows that the non-declaration of a particular interest would not be publicly defensible, then that governor must promptly declare the interest.

"Declaration of Interests" shall be a regular agenda item at each meeting of the Governing Body, coming immediately before the approval of the minutes of the previous meeting and any matters arising from those minutes.

A copy of the *Register of Governors' Interests* is available from the Clerk to the Governing Body during normal office hours at the College to any person wishing to inspect it.

Governors who are also trustees of the Collyer Endowment need to be particularly aware of possible conflicts of interest between their responsibilities as trustees and their responsibilities as governors. They need to take care not to confuse the two roles but at the same time should seek to ensure that the knowledge and understanding they acquire in each role helps them to ensure the smooth running of the College's business.

Delegation of Powers

The Governing Body will only delegate power where it is possible to do so and when it deems it necessary.

Decisions and Voting

- a) Every question to be decided at a meeting shall be determined by a majority of the votes cast by governors present and eligible to vote on the question, with the Chairman having a second or casting vote in the event of a tie. Proxy votes, or votes by way of a postal vote, for absent governors are not permitted.
- b) Not all decisions need to be taken by formal vote. The Chairman normally asks the meeting, at the conclusion of a discussion, for its agreement to the proposal in question. There would only be a call for a vote if there was a clear expression of dissent or if it was a matter of particular significance. The meeting shall decide whether the vote is taken by a show of hands or by a secret ballot.
- c) No resolution of the governors may be rescinded or varied at a subsequent meeting unless consideration of the rescission or variation is a specific item of business on the agenda of that meeting.

GOVERNORS' CODE OF CONDUCT

The Governing Body has agreed to ask its members to act in accordance with the following code of conduct:

1 Involvement

They should:

- find out as much as possible about the College.
- attend meetings regularly.
- be constructively critical.

2 Co-operation

They should:

- work with other governors and the College management for the good of the College.
- offer opinions, advice and help in the light of their knowledge and understanding.
- seek agreement, support communal decisions and respect confidentiality.

3 Attitude

They should:

- avoid claiming any authority as individuals.
- not expect that their advice as individuals will necessarily be followed.
- avoid speaking publicly on behalf of the Governing Body without authorisation.

4 Accountability

They should:

- remember that they are publicly accountable.
- avoid any private benefit from their position, and follow the College's *Guidelines for the receipt of Hospitality and Gifts*.
- declare any conflict of interest promptly.
- disclose any incidences of serious malpractice at the College in line with the *Public Interest Disclosure Policy and Procedures*.

In the unlikely event of a governor breaching this Code of Conduct the Chairman is authorised to take appropriate action to resolve the problem. Either the Chairman or the relevant governor may choose to refer the matter to the full Governing Body.

A copy of the *Governors' Code of Conduct* is available from the Clerk to the Governing Body during normal office hours at the College to any person wishing to inspect it.

AGENDA AND MINUTES OF MEETINGS

The Autumn term meeting of the Governing Body should include the election of the Chairman and Vice-Chairman. Apart from that exception the meetings should normally begin with:

- Apologies for absence
- Urgent business
- Declarations of interest
- Approval of the minutes of the previous meeting
- Matters arising from the minutes
- Any elections scheduled for the meeting

Agenda

Any governor may suggest an agenda item to the Clerk, the Clerk should then refer that to the Chairman and if there is any problem about inclusion of that item on the agenda, either the Chairman or Clerk will refer back to the governor proposing it. The agendas of Governing Body meetings should clearly indicate the most important items on them. The final decision on items to be included in the agenda lies with the Chairman.

The same principle applies to all committees of the Governing Body.

Minutes

All meetings of committees and sub-committees shall be minuted.

Part II minutes and confidential papers will be reviewed annually by the Chairman of the Governing Body and the Principal using the following criteria for confidentiality:

- a) Personal information relating to an individual,
- b) Information provided in confidence by a third party who has not authorised its disclosure,
- c) Financial or other information relating to procurement decisions, including information relating to the College's negotiating position, during the course of those negotiations,
- d) Information relating to the negotiating position of the College in industrial relations matters, during the course of those negotiations,
- e) Information relating to the financial position of the College where disclosure might harm the College or its competitive position, as determined by the Governing Body,
- f) Legal advice received from or instruction given by the College's legal advisors,
- g) Information planned in advance for publication,
- h) Information not otherwise covered above, but considered to be commercially sensitive.

They will determine whether confidentiality is maintained or not and ensure that information is released into the public domain when the criteria for confidentiality is no longer met.

All minutes will be retained indefinitely. All other papers will only be retained for seven years.

Minutes both of the Governing Body and of committee meetings are intended to provide a record of decisions taken. Recommendations should be made clearly and explicitly in the committee minutes and these, along with relevant papers, should be presented by the Chair of the committee, or his representative, in a report to the Governing Body.

The draft of any minutes shall be referred to the Chairman of the meeting concerned for agreement of the wording before publication of those minutes to members.

The agreed minutes shall then be signed by the Chairman at the next meeting of the committee.

Publication of Minutes and Agenda

Minutes of the Governing Body and of all its committees, whether or not they have yet been approved, should be sent to all members of the Governing Body a week before the next meeting. If any meetings take place within that week, the minutes may be tabled at the meeting of the Governing Body or, failing that, the Chairman of the committee in question should make a verbal report. Non-confidential minutes

of Governing Body meetings and committee meetings are published on the Collyer's website. Minutes of meetings of the Governing Body and its committees are available from the Clerk to the Governing Body during normal office hours at the College to any person wishing to inspect them.

Once draft minutes are approved by the Chairman of a meeting, they should be placed in the minutes file, as well as being sent out to members. Once the minutes are approved by the Governing Body, the approved minutes should replace the draft.

ATTENDANCE AT MEETINGS

Attendance at and participation in meetings of the Governing Body and its committees and sub-committees is seen by the Governing Body as an important element in the fulfilment of members' responsibilities.

The Governing Body and each of its committees and sub-committees are required to keep a register of attendance to be signed by members at each meeting. The Clerk is responsible for the administration and custody of the registers.

The Principal attends meetings of the Governing Body except as set down in Instrument 13(5) (a), (b) and (c) of the Instrument of Government.

The Principal is a member of the Finance and General Purposes Committee and is entitled to attend all other Governing Body committee meetings except as set down in Instrument 13(5) (a), (b) and (c) of the Instrument of Government.

The Director of Finance is expected to attend those meetings, or those parts of meetings, of the Governing Body, its committees and sub-committees at which financial matters are being considered.

The Clerk is expected to attend and to clerk meetings of the Governing Body and also committee meetings if required to do so by the Chairman of the Governing Body except as set down in Instrument 13(10) of the Instrument of Government.

Persons who are not members of the Governing Body may attend meetings of the Governing Body only on the invitation of the Chairman.

Persons who are not members of Governing Body committees may attend meetings of those committees only if invited to do so by the Chairman of the relevant committee.

If the Chairman of a committee is absent from a meeting of that committee, the members of the committee who are present shall choose one of their number to act as Chairman for that meeting.

ALLOWANCES TO GOVERNORS

Whilst the Governing Body are not able to pay allowances which remunerate governors for their services as governors without the approval in writing of the Secretary of State, governors are entitled to claim travel and subsistence allowances in line with College rates. Details and claim forms are available from the Clerk to the Governing Body.

GOVERNOR INVOLVEMENT IN STRATEGIC PLANNING

1. Each term the Principal's Report should include some reference to the College's progress in implementing the strategic plan;
2. There should be an annual strategic and quality improvement planning day in the Autumn Term for all governors and staff;
3. The Quality Improvement Plan should be reviewed annually to ensure consistency with the Three-year Financial Forecast and the Risk Register.

FINANCIAL INFORMATION REQUIRED BY THE GOVERNING BODY

The governors require that the Principal shall provide them with the following financial information at the time and in the form required by the Learning & Skills Council:

The Autumn Term

The Report and Financial Statements which constitute the End of Year Accounts, for the College's previous financial year from 1st August until 31st July. These shall be presented to the Governing Body for approval and signed by both the Chairman and the Principal before they are sent to the LSC.

Cumulative quarterly Actuals plus forecasts:

Income and Expenditure Account, Balance Sheet and Cashflow Statement.

Financial Report

Commentary and Performance Indicators on the latest monthly accounts as submitted to the Senior Management Team and the Finance & General Purposes Committee.

Annual Cashflow Forecast for the current financial year.

The Spring Term

The Mid-Year Up-date of the Financial Forecast for the current year. This is an annual mid-year up-date of that part of the rolling Three-Year Financial Forecast which applies to the current financial year. This is to be presented to the Governing Body for endorsement.

Cumulative quarterly Actuals plus forecasts:

Income and Expenditure Account, Balance Sheet and Cashflow Statement.

Financial Report

Commentary and Performance Indicators on the latest monthly accounts as submitted to the Senior Management Team and the Finance & General Purposes Committee.

The Summer Term

The Three-Year Financial Forecast for the three years starting on the 1st August immediately following the Summer Term meeting of the Governing Body. This shall be presented to the Governing Body for approval and signed by the Principal before it is sent to the LSC.

Annual Cashflow Forecast for the next financial year.

The Budget proposed by the Finance and General Purposes Committee for the next financial year. This is incorporated within the Three-Year Financial Forecast.

Cumulative quarterly Actuals plus forecasts:

Income and Expenditure Account, Balance Sheet and Cashflow Statement.

Financial Report

Commentary and Performance Indicators on the latest monthly accounts as submitted to the Senior Management Team and the Finance & General Purposes Committee.

THE PRINCIPAL'S REPORTS

The governors require that the Principal should produce for them a report each term, including information as follows:

The Autumn Term

- Targets and Key Performance Indicators
- Information relating to student numbers and the admission of new students
- Examination results for the previous summer and statistical comparisons with previous years
- College's progress in implementing the strategic plan
- Staffing report
- An analysis of the curriculum
- A report on any formal complaints received during the previous year
- A report on our performance in response to the College's Charter commitments
- Any other matters of current importance
- A list of staff
- Future dates

The Spring Term

- Targets and Key Performance Indicators
- College's progress in implementing the strategic plan
- Staffing report
- Information about student qualifications acquired in the previous year and about student destinations, including entry to Higher Education
- Information about careers advice and guidance
- An annual report from:
 - the Director of Teaching & Learning
 - the Staff Development Manager

- Any information required to up-date the Autumn Term report
- Any other matters of current importance
- Future dates

The Summer Term

- Targets and Key Performance Indicators
- College's progress in implementing the strategic plan
- Annual staff review
- An annual Faculty report from Heads of Faculty
- An annual House report from Heads of House
- Annual reports from Adult Education, Equality & Diversity and Health & Safety
- A report on Sports Results and activities throughout the College year from the Head of P.E. and Recreational Activities
- A report on College social events and cultural activities throughout the College year
- Any information required to update the Autumn and Spring Term reports
- Any other matters of current importance
- Future dates

The Principal is required to let each of the governors have a copy of any report.

Terms of reference of

THE FINANCE AND GENERAL PURPOSES COMMITTEE OF THE GOVERNING BODY

Aim

The purpose of the Finance and General Purposes Committee is to facilitate the transaction of the business of the College.

Membership

The members of the Committee are the Chairman and Vice-Chairman of the Governing Body, who are also Chairman and Vice-Chairman of the Finance and General Purposes Committee, the Principal and four other governors elected annually at the Spring Term meeting by the full Governing Body. At least four of the seven members of the Committee must be foundation governors.

The Clerk will service the committee. The Director of Finance will normally be present at that point of any meeting at which the budget, a quarterly statement or a report which has financial implications is considered.

The Committee may decide to co-opt other persons from time to time as appropriate.

A quorum shall be three members, of whom at least two must be foundation governors.

Responsibilities

The Finance and General Purposes Committee will monitor on behalf of the Governing Body those functions for which it is responsible and which it may not delegate. The Committee shall:

| | Articles of Government |
|---|------------------------|
| 1. Make recommendations to the Governing Body about the educational character and mission of the College. | 3(1)(a) and 9(1)(a) |
| 2. Consider the annual estimates of income and expenditure and in the light of that consideration make recommendations to the Governing Body about the approval of those estimates. | 3(1)(d) and 9(1)(b) |
| 3. Make recommendations to the Governing Body about how best to ensure the solvency of the College and safeguard its assets. | 3(1)(c) and 9(1)(c) |
| 4. Monitor whether the College plans and conducts its financial and academic affairs to enable it to produce a surplus in each year. | - |
| 5. Consider the financial forecasts and make recommendations to the Governing Body for approval in principle. | - |
| 6. Consider the effect on the Balance Sheet of material financial transactions and report issues of significance to the Governing Body. | - |
| 7. Provide guidance to the Governing Body about the appointment or dismissal of holders of senior posts. | 3(1)(e) and 9(1)(d) |
| 8. Provide guidance to the Governing Body about the appointment or dismissal of the Clerk to the Governing Body. | 3(1)(e) and 9(1)(e) |
| 9. Make recommendations to the Governing Body about proposed modifications to the Instrument of Government (in accordance with section 29 of the Further and Higher Education Act 1992) and proposed modifications to the Articles of Government. | 9(1)(f) |

The Finance and General Purposes Committee will be responsible for those functions which the Governing Body may delegate. The Committee shall:

| | Articles of Government |
|---|-----------------------------------|
| 1. Determine how best to oversee the activities of the College. | 3(1)(a) |
| 2. Ensure the effective and efficient use of the College's resources. | 3(1)(b) |
| 3. Review financial performance against budget each month. | - |
| 4. Monitor any capital projects. | - |
| 5. Consider the College's investment and borrowing policy. | - |
| 6. Determine arrangements for the grading, appraisal, suspension and pay and conditions of service of the holders of senior posts and the Clerk to the Governing Body. | 3(1)(e) |
| 7. Determine the framework for the appointment, grading, appraisal, suspension and pay and conditions of service of all other staff. | 3(1)(f) |
| 8. Require the Principal to produce a pay policy in accordance with that framework and to oversee the operation of that policy. | - |
| 9. Determine the policy for the admission of students. | 3(1)(g) |
| 10. Receive recommendations from other committees of the Governing Body, review their financial implications and pass comment to the Governing Body. | - |
| 11. Receive reports from the Chairman (or his representative) of the College's Health & Safety Committee, Joint Staff-Governors' Consultative Group & Premises Sub-committee. | - |
| 12. Consider and make recommendations on any other financial or general matters referred to it by the Governing Body or the Principal. | - |

Responsibilities are delegated to the Principal in accordance with articles 3(2) and 11 of the Articles of Government.

Meetings

The Finance and General Purposes Committee will meet regularly, and the Clerk will normally arrange a meeting each month unless the Committee directs otherwise.

Minutes

The minutes of the Finance and General Purposes Committee will be produced by the Clerk to the Governing Body and must be sent to the members of the Committee at least seven clear days before the next meeting and to all members of the Governing Body at least seven clear days before the next meeting of that body.

Sub-Committee

The Finance and General Purposes Committee may from time to time set up ad hoc sub-committees. It determines the terms of reference and the membership of those committees which may include both governors and non-governors, although only governors may vote.

Decisions taken in setting up sub-committees and in establishing their terms of reference and membership shall be circulated to all governors for approval at the next meeting of the Governing Body. After approval by the Governing Body they shall be included in the Rules & Bye-laws.

Sub-committees will report back to the Finance and General Purposes Committee as soon as they conveniently can after meeting. They will be responsible for the production of their own minutes, which must be sent to all members of the Governing Body at least seven clear days before the next meeting of that body.

Terms of Reference of

THE AUDIT COMMITTEE OF THE GOVERNING BODY

1. To advise the Governing Body on the adequacy and effectiveness of the College's systems of internal control and its arrangements for risk management, control and governance processes, and securing economy, efficiency and effectiveness (value for money);
2. To advise the Governing Body on the appointment, reappointment, dismissal and remuneration of the financial statements auditor and the Internal Audit Service (IAS);
3. To advise the Governing Body on the scope and objectives of the work of the IAS, the financial statements auditor and the funding auditor (where appointed);
4. To ensure effective coordination between the IAS, the funding auditor (where appointed) and the financial statements auditor, including whether the work of the funding auditor (where appointed) should be relied upon for internal audit purposes;
5. To consider and advise the Governing Body on the audit strategy and annual internal audit plans for the IAS;
6. To advise the Governing Body on internal audit assignment reports and annual reports and on control issues included in the management letters of the financial statements auditor (including its work on regularity) and the funding auditor (where appointed), and management's responses to these;
7. To monitor, within an agreed timescale, the implementation of agreed recommendations relating to internal audit assignment reports, internal audit annual reports, the funding auditor's management letter and spot-check reports (where appropriate) and the financial statements auditor's management letter;
8. To consider and advise the Governing Body on relevant reports by the National Audit Office (NAO), the Learning & Skills Council (LSC) and other funding bodies, and, where appropriate, management's response to these;
9. To establish, in conjunction with College management, relevant annual performance measures and indicators, and to monitor the effectiveness of the IAS and financial statements auditor through these measures and indicators and to decide, based on this review, whether a competition for price and quality of the audit service is appropriate;
10. To produce an annual report for the Governing Body and Accounting Officer, which should include the committee's advice on the effectiveness of the College's risk management, control and governance processes, and any significant matters arising from the work of the IAS, the funding auditor (where appointed) and the financial statements auditor;
11. To ensure that all allegations of fraud and irregularity are properly followed up;
12. To be informed of all additional services undertaken by the IAS, the financial statements auditor and the funding auditor (where appointed); and
13. To recommend the annual financial statements to the Governing Body for approval.

In order to exercise its role the Audit Committee should have the power:

- 1 To investigate any activity within its terms of reference.
- 2 To seek any information it requires from the IAS, the financial statement auditor and funding auditor (where appointed), governors, committees and College employees, plus relevant information from sub-contractors and other third parties.
- 3 To obtain external professional advice.
- 4 To go into confidential session, whenever it is appropriate to do so, and exclude any, or all, participants and observers.

Membership

There shall be six members of the Audit Committee elected annually at the Spring Term meeting of the full Governing Body. Five of them shall be governors, one of whom should if possible be a trustee of the Collyer's Endowment, and one shall be a co-opted member with if possible relevant audit experience.

The Chairman shall be elected annually at the Summer Term meeting of the Audit Committee. The Chairman should not normally be the co-opted member but if the co-opted member is appointed then the co-opted member shall have the automatic right to attend and address all meetings of the Governing Body and receive all papers for consideration. The Audit Committee should appoint a governor to feed back issues from the committee to the Governing Body in the absence of the Chairman.

A quorum shall be three members.

Members of the Finance and General Purposes Committee shall not be members of the Audit Committee.

No member of the committee should work for a firm which provides the College with banking, insurance or audit services.

Proceedings

The committee should normally meet at least once a term and the timing and content of its meetings should reflect, as far as possible, the planning and reporting cycles of internal, financial statement and funding audits (where appropriate).

The Principal and the Director of Finance should normally be present at meetings of the Audit Committee, but they should not take part in the committee's decision-making and there may be occasions when the committee may wish to meet without them present.

The Clerk will service the Audit Committee.

The person responsible for the provision of the internal audit service shall be entitled to attend every meeting of the committee, shall have a free right of access to the Chairman of the committee, and shall have the right to ask the Chairman to convene a meeting.

The person responsible for the provision of the financial statements audit and funding audit (where appropriate) shall attend at least the Autumn Term meeting of the committee, shall have a free right of access to the Chairman of the Committee, and shall have the right to ask the Chairman to convene a meeting.

Terms of reference of
THE QUALITY AND STANDARDS COMMITTEE
OF THE GOVERNING BODY

Aim

The aim of the Quality and Standards Committee is to review and develop the processes and outcomes related to self-assessment and development planning of the College and to advise the Governing Body and the Senior Management Team on matters relating to the quality of the learner experience.

Membership

The members of the Quality and Standards Committee shall be:

Three members of the Governing Body plus the Student Governors, Vice Principal, Assistant Principal (Support), Assistant Principal (Student Progress), Director of Learning Resources and two members of the teaching staff with a responsibility for a subject.

The governor members shall be elected annually at the Spring Term meeting of the full Governing Body. The Chairman shall be a governor member who shall be elected annually at the first meeting in the Summer Term.

The Committee may decide to co-opt other persons from time to time as appropriate.

The Clerk will service the Committee.

A quorum shall be five members, of whom two must be governors.

Responsibilities

The responsibilities of the Quality and Standards Committee are:

1. To advise the Governing Body and management on the framework for quality assurance in the College;
2. To review and approve the quality assurance policy and procedures;
3. To monitor and review performance indicators for all aspects of the College;
4. To review the process by which the cross-College and curriculum area self-assessment reports are produced;
5. To advise the Governing Body and management on quality issues relating to development planning;
6. To monitor the implementation of development plans arising from self-assessment reports;
7. To advise the Governing Body on performance indicators for governance;
8. To monitor and review the self-assessment of governance;
9. To monitor the implementation of the development plan arising from the self-assessment of governance.

Meetings

The Quality and Standards Committee will meet at least once in each term.

Terms of reference of
THE NOMINATIONS COMMITTEE

Function

The functions of the Nominations Committee are:

1. To review and make recommendations to the Governing Body on the composition and balance of the Governing Body and on the procedures for appointment or re-appointment of governors. The Governing Body will make recommendations to the Court of Assistants of the Mercers' Company or the Trustees of the Collyer Endowment, as appropriate, on the composition and balance of the Governing Body and on the procedures for appointment or re-appointment of governors.
2. Where appropriate, to advertise, consult with interested bodies or use other forms of canvassing to identify persons wishing to serve as a governor.
3. To make recommendations to the Governing Body on the induction for new governors.
4. To oversee the training and development of governors.

Membership

The members of the Nominations Committee shall be:

The Chairman of the Governing Body
The Chairman of the Trustees
The Principal
One governor (appointed by the Governing Body)
The Clerk to the Trustees (or his representative)

A quorum shall be three members.

The Chairman shall be the Chairman of the Governing Body.

Proceedings

At least one meeting will be held each year.

The Committee will be clerked by the Clerk to the Governing Body.

Terms of reference of

THE PREMISES SUB-COMMITTEE

Function

The functions of the Premises Sub-committee are:

- a) To advise the Trustees of the Collyer Endowment and the Finance and General Purposes Committee of the Governing Body on matters related to the College's buildings and grounds.
- b) To take such action as it may be empowered to take by the Trustees and the Governing Body.
- c) Within the powers delegated by the Governing Body, to implement the brief for capital projects, as defined by the Governing Body by:
 - i. Receiving reports from the Tender Board on the appointment of consultants
 - ii. Approving the design of capital projects
 - iii. Approving the detailed grant applications and supporting information for submission to the LSC and monitoring these grant applications
 - iv. Advising on the project cost plan, cash flow and pre-contract & construction programmes
 - v. Regularly reviewing the progress of capital projects through regular reports from the Principal, the Director of Finance and the appointed advisers
 - vi. Evaluating the project (including the performance of the principal consultants and contractors engaged in the project) after completion.
- d) To receive regular reports and minutes of the College's Health & Safety Committee

Membership

The members of the Premises Sub-committee shall be:

- Three governors, of whom one shall be a trustee, and the Principal. The governors shall be elected annually at the Spring Term meeting of the full Governing Body;
- Director of Finance;
- Such others as those members may from time to time co-opt.

The Chairman shall be a governor member who shall be elected annually at the first meeting of the Summer Term.

A quorum shall be three members, other than co-opted members.

Proceedings

The Sub-committee shall meet from time to time as circumstances require.

The Clerk will service the Premises Sub-committee.

The Chairman of the Premises Sub-committee shall report back to the Finance & General Purposes Committee.

Terms of reference of

THE JOINT STAFF - GOVERNORS' CONSULTATIVE GROUP

Role

The role of the Joint Staff-Governors' Consultative Group (JSGCG) is to provide a forum for staff and governors to discuss matters of common interest. These will include matters relating to the long-term development of the College. The JSGCG will also be able to monitor and provide feedback in both directions on strategic developments so that a full dialogue between employer and employee is established. The intention is to allow the governors and staff to sound out each other's opinions and ideas to help the College develop effectively and harmoniously, so that governors are able to take account of the opinions of the staff when making strategic decisions.

Membership

The membership of the Joint Staff-Governors' Consultative Group shall consist of three governors and seven staff representatives. The governor members shall be the Chairman of the Governing Body, the staff governor, and one other, who shall be elected annually at the Spring Term meeting of the full Governing Body. The seven staff representatives shall be representatives of the three teachers' and the one support staff professional associations, one elected representative from the support staff (elected at the end of March each year by ballot of support staff), one elected representative of the day-time teaching staff (elected at the end of March each year by ballot of the teaching staff) and one elected representative of the adult education tutors (elected at the end of September each year by ballot of the adult education tutors).

A quorum shall be two governor members together with three staff representatives.

There will be an annual election of the Chairman of the Group at the first meeting in the Summer Term.

Procedures

The JSGCG shall meet not less than once a term, but it can meet more frequently if necessary. A meeting will normally take place shortly before a meeting of the full Governing Body. The Clerk to the Governing Body will produce the agenda and take minutes. The Group is not a formal part of the governors' decision-making machinery but it has the following features:

- a) items for the agenda can be proposed to the Chairman of the Group by all members via the Clerk to the Governing Body
- b) minutes will be kept and circulated
- c) clear action points will be recorded, indicating who should implement the action
- d) it will receive regular reports and minutes of the Premises Sub-committee
- e) it will receive regular reports and minutes of the College's Equality & Diversity Committee.

To meet the requirement of the Information and Consultation of Employees Regulation, the JSGCG will:

- (a) Receive information on recent and probable developments of the College's activities and economic situation,
- (b) Receive information and be consulted on the situation, structure and probable developments within the College where there is a threat to employment,
- (c) Receive information and be consulted on decisions likely to lead to substantial changes in work organisation or in contractual relations.

Representatives will be given the opportunity to give their opinion on the matters and to meet with representatives of the employer for a discussion, who will give a reasoned response.

Terms of reference of

THE APPEALS PANEL OF THE GOVERNING BODY

Role

The Appeals Panel will hear appeals in accordance with the principles set out in the College's Complaints Policy or Disciplinary and Grievance Procedures, as appropriate.

Membership

The membership of that panel shall be determined for the occasion as set out in the College's Complaints Policy or Disciplinary and Grievance Procedures, as appropriate.

A quorum shall be three members.

Proceedings

The Appeals Panel will meet to hear appeals in line with the College's Complaints Policy or Disciplinary & Grievance Procedures, as appropriate.

Meetings of the Panel will be clerked by the Clerk to the Governing Body or an alternate agreed by the Panel.

Terms of reference of

THE SPECIAL COMMITTEE

Function

The functions of the Special Committee are:

- a) To examine and determine the case for the dismissal of a senior post holder referred to the Committee by the Chairman of the Governing Body, the Vice-Chairman of the Governing Body, or a majority of the members of the Governing Body.
- b) To send a written statement of the alleged conduct, characteristics or other circumstances which led to that senior post holder being considered for dismissal and that person shall be afforded a reasonable opportunity to respond to it.
- c) To invite the senior post holder to attend a meeting and no disciplinary action, except suspension, shall be taken against that person until that meeting has taken place.
- d) To give the person whose dismissal is to be considered the right to make representations at the meeting. The representations, which may be made in writing, may also be made orally, for which purpose the person whose dismissal is to be considered may be accompanied by a colleague or union representative.
- e) After hearing or reading any such representations, to take such action as it considers appropriate, which may include dismissal, and communicate its decision to the senior post holder concerned, notifying that person of that person's right to appeal against it, without unreasonable delay.

Membership

There shall be three members of the Special Committee elected annually at the Spring Term meeting of the full Governing Body.

The Chairman of the Governing Body, the Vice-Chairman of the Governing Body, the Principal, the staff member and the student members may not sit on the Committee. In addition, no person may sit on the Committee who has any interest in its findings or who has been involved in any way in an investigation or other disciplinary action leading up to the reference of the particular matter to the Committee. No person may sit on the Committee unless they are a member of the Governing Body.

The Chairman shall be elected by the Committee.

A quorum shall be two members.

The Committee shall convene a meeting as soon as practicable after a reference to it and, in any event, within 7 days.

The Clerk to the Governing Body or an alternate agreed by the Committee will service the Committee.

Terms of reference of the
RISK MANAGEMENT GROUP

Functions

The functions of the Risk Management Group are:

1. To implement policies on risk management and internal control.
2. To identify and evaluate the significant risks faced by the College for consideration by the Governing Body.
3. To provide adequate information in a timely manner to the Governing Body and its committees on the status of risks and controls.
4. To undertake an annual review of effectiveness of the system of internal control and provide a report to the Governing Body. To prepare a new risk management action plan for each new academic year.
5. To ensure that risk management processes add value to the College and contribute to its development

Membership

The members of the Risk Management Group shall be:

Two lead governors (appointed by the Governing Body)
Principal (the nominated Risk Management Co-ordinator)
Vice Principal
Director of Finance
Assistant Principal (Support)
Assistant Principal (Progress)
Clerk to the Governing Body
Health & Safety Officer
Network Manager
MIS Manager
Premises Manager
Registrar

A quorum shall be four members.

Role of the Risk Management Co-ordinator

1. To take overall responsibility for the administration and implementation of the risk management process.
2. To provide advice and support to colleagues within the broader College and to governors as appropriate.
3. To provide impetus and drive to the risk management process to ensure the implementation timetable is achieved.
4. To ensure risk management and its processes are disseminated and become embedded throughout the College.
5. To consider ways in which risk management processes can add value to the College

Proceedings

At least two meetings will be held each year. The Principal will Chair the meetings. The Senior Administration Manager will act as minuting secretary.

GOVERNOR MEMBERSHIP OF COMMITTEES AND OTHER GROUPS

Terms of Reference

| | |
|--|---------|
| 1. The Governing Body | - |
| 2. The Trustees of The Collyer Endowment | - |
| 3. The Finance and General Purposes Committee | p.20-21 |
| 4. The Audit Committee | p.22-23 |
| 5 The Quality and Standards Committee | p.24 |
| 6 The Nominations Committee | p.25 |
| 7. The Premises Sub-committee | p.26 |
| 8. The Joint Staff-Governors' Consultative Group | p.27 |
| 9. The Appeals Panel (Complaints) | p.28 |
| 10. Special Committee | p.29 |
| 11. Risk Management Group | p.30 |
| 12. The Appeals Panel (Learner Support Fund) | - |

* = Chairman
 ◆ = Vice-Chairman
 ✓ = Member

| Governors | 1 GB | 2 Trust | 3 F& GP | 3 Aud | 3 Q&S | 6 Noms | 6 Prem | 6 JSG | 9 App (Compl aint) | 10 Sp Com | 11 Risk Man Grp | 12 App (LSF) |
|----------------------------|---------|------------|---------------|----------|----------|-----------|-----------|----------|-----------------------------|-----------------|--------------------------|--------------------|
| Mr G R Baird | * | ◆ | * | | | * | * | ✓ | * | | | ✓ |
| Ms S Bridges | ✓ | | | ✓ | | | | | | | | |
| Revd. G Bridgewater | ✓ | | | | | ✓ | | ✓ | | | | |
| Dr D Cassell | ✓ | | | ✓ | | | | | | | | |
| Mrs V Chaffin-Laird | ✓ | | | * | | | | | | ✓ | ✓ | |
| Mr C P Clementi | ✓ | ✓ | ✓ | | ✓ | | | | | | | |
| Mr C J Eley | ◆ | ✓ | ◆ | | * | | | | | | | |
| Professor C Firth | ✓ | | | | ✓ | | | | | ✓ | | |
| Mr M Hodgson | ✓ | ✓ | ✓ | | | | ✓ | | | | | |
| Mr D H Hodson | ✓ | | | ✓ | | | | | | | | |
| Dr J Johnston | ✓ | | ✓ | | | ✓ | ✓ | | | | * | |
| Mr A R C Lane | ✓ | ✓ | ✓ | | | | | | ✓ | ✓ | | |
| Parent | ✓ | | | | ✓ | | | | ✓ | | | |
| Staff | ✓ | | | | | | | * | ✓ | | | |
| Students | ✓ | | | | ✓ | | | | | | | |
| Mr C J P Watney | ✓ | ✓ | ✓ | | | | ✓ | | | | | |
| Ms C Watson | ✓ | | | ✓ | | | | | | | ✓ | |

| Non Governors & SMT | 1 GB | 2 Trust | 3 F&G P | 4 Aud | 5 Q&S | 6 Noms | 7 Prem | 8 JSG | 9 App (Compl aint) | 10 Sp Com | 11 Risk Man Grp | 12 App (AF) |
|------------------------------------|-----------------|--------------------|----------------------------|------------------|----------------------|-------------------|-------------------|------------------|---------------------------------------|--------------------------|------------------------------------|----------------------------|
| Mr I F Dumbleton | | | | | | | ✓ | | | | ✓ | |
| Mr A E Hodson | | ✓ | | | | | | | | | | |
| Mr M G Marchant | | | | | | ✓ | | | | | | |
| Mr S Martell | | | | | ✓ | | | | | | ✓ | |
| Mr S P Nicholls | | | | | ✓ | | | | | | ✓ | |
| Mr R Pope | | * | | | | ✓ | | | | | | |
| Mrs M J Russell | | | | | ✓ | | | | | | ✓ | |
| Mr R Yorke | | | | ✓ | | | | | | | | |
| Vacancy | | ✓ | | | | | | | | | | |